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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/052,673	03/31/1998	RICHARD E. ANDERSON	11232	9401

7590 01/29/2003

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EXAMINER

FAN, CHIEH M

ART UNIT

PAPER NUMBER

2634

DATE MAILED: 01/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/052,673	ANDERSON, RICHARD E.
	Examiner	Art Unit
	Chieh M Fan	2634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 25 November 2002.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-5,7-10 and 13-15 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-5,7-10 and 13-15 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on 05 September 2000 is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.

4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-5, 7-10 and 13-15 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Regarding claim 1, claim 1 recites "... determining the difference between the local and program clock frequencies, then adjusting the frequency at which the local clock oscillates so that the difference approaches zero." However, according to Figure 7 of the instant application, the adjusting step is performed only when there is difference between the values stored in the "PCR register 701" and "latched STC register 704". The specification of the instant application never teaches determining the difference between the local and program clock frequencies before the step of adjusting. The applicant may argue that determining the difference between the values of PCR and STC is equivalent to determining the difference between the local and program clock frequencies. The applicant is referred to the blocks "calculate difference in clock rate (frequency)" and "calculate difference in PCR and STC value" in Figure 9 of the instant

application. It appears that "the difference in PCR and STC value" and "the difference in clock frequency" are not the same in the instant application.

Regarding claim 2, the applicant is requested to indicate which portion of the specification has support on the following claimed limitations:

- (a) "maintaining a program clock value based on the program clock signals received at the decoder". In particular, which portion of the specification teaches that the decoder receives the program clock signals?
- (b) "determining if there is an absolute difference between the local clock value and the program clock value; if there is an absolute difference between the local clock value and the program clock value, then adjusting the frequency at which the local clock oscillates so that said absolute difference approaches zero". In particular, which portion of the specification teaches determining the absolute difference between the local clock value and the program clock value?

Regarding claim 3, the applicant is requested to indicate which portion of the specification has support on the following claimed limitations:

- (a) "determining the difference between the local and program clock frequencies, then adjusting the frequency at which the local clock oscillates so that said difference approaches zero". In particular, which portion of the specification teaches the step of determining the difference between the local and program clock frequencies before the step of adjusting?

(b) "maintaining a program clock value based on the program clock signals received at the decoder". In particular, which portion of the specification teaches that the decoder receives the program clock signals?

(c) "determining if there is an absolute difference between the local clock value and the program clock value; if there is an absolute difference between the local clock value and the program clock value, then adjusting the frequency at which the local clock oscillates so that said absolute difference approaches zero". In particular, which portion of the specification teaches determining the absolute difference between the local clock value and the program clock value?

Regarding claim 7, the applicant is requested to indicate which portion of the specification has support on the following claimed limitations:

(a) "means for receiving clock signal transmitted to the decoder at a program clock frequency". In particular, which portion of the specification teaches that the decoder receives the clock signals at a program clock frequency?

(b) "means for determining if there is at least one of (i) a difference between the local clock and the program clock frequencies, and (ii) an absolute difference between the local clock value and the program clock value, and means for adjusting the frequency at which the local clock oscillates, when there is at least one of said differences". In particular, which portion of the specification teaches the means for determining the difference between the local and program clock frequencies before the means for adjusting? Which portion of the specification teaches means for determining the absolute difference between the local clock value and the program clock value?

Regarding claim 13, the applicant is requested to indicate which portion of the specification has support on the following claimed limitations:

(a) "means for determining if there is a difference between the local clock and the program clock frequencies, and means for adjusting the frequency at which the local clock oscillates, when there is a difference ...". In particular, which portion of the specification teaches the means for determining the difference between the local and program clock frequencies before the means for adjusting?

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 14 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 14 recites the limitation "said program clock value" in line 2. There is insufficient antecedent basis for this limitation in the claim.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Anderson et al. (US Patent 6,356,567), Mandal et al. (US Patent 5,862,450) and Haskell et al. (US Patent 5,287,182).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chieh M Fan whose telephone number is (703) 305-0198. The examiner can normally be reached on Monday-Friday 8:00AM-5:30PM, Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Chin can be reached on (703) 305-4714. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.

*Chieh M Fan*  
Chieh M Fan  
Examiner  
Art Unit 2634

cmf  
January 24, 2003